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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/626,871

07/25/2003

Richard Slobodnik

550-454

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01/13/2005

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EXAMINER

COX, CASSANDRA F

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/626,871

Applicant(s)

SLOBODNIK ET AL.

Examiner

Cassandra Cox

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-4 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 2 and 12 are indefinite because they do not appear to further limit the subject matter of independent claims 1 and 11, respectively. The claims are redundant and should be canceled or amended to further limit the parent claim. Correction or clarification is required.

4. Claim 2 recites the limitation "said output control device" in lines 1-2 and 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claims 3-4 and 13-14 are also rejected due to the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 5-7, 9-12, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Heimann (U.S. Patent No. 5,357,146).

In reference to claim 1, Heimann discloses in Figure 1 a processor clock control device (20) operable to control switching between clock signals input to a processor (not shown, but disclosed in column 1, lines 39-41) said processor clock control device comprising: at least two clock signal inputs each operable to receive a clock signal, said clock signals comprising a first (CLK0) and a second (CLK1) clock signal; a sensor (36) operable to sense the first and the second clock signals; a clock signal output (OUT) operable to output a clock signal for input to a processor; and a clock switching signal input for receiving a switching signal (SELECT) operable to control switching of the clock signal output from the first clock signal to the second clock signal; wherein the processor clock control device is operable on receipt of the switching signal to sense the first clock signal and when the first clock signal transitions from a first predetermined level to a second level, the processor clock control device is operable to hold the clock signal output at the second level, and then to sense the second clock signal and when the second clock signal transitions from the first predetermined level to the second level to output the second clock signal (see Abstract and the Detailed Description of Figure 1). The same applies to claims 2 and 10-12.

In reference to claim 5 Heimann discloses in Figure 1 wherein the clock switching signal input further comprises logic (22, 24, 26, 28) operable to inhibit forwarding of the received clock switching signal (SELECT) to the processor clock control device until the

first clock signal (CLK0) reaches the first predetermined level (see column 3, line 61- column 4, line 21). The same applies to claim 15.

In reference to claim 6 Heimann discloses in Figure 1 wherein the logic (22, 24, 26, 28) operable to inhibit forwarding of the received clock switching signal to the processor clock control device comprises a register (this is seen as the flip-flops) that is clocked by the first clock signal at the first predetermined level.

In reference to claim 7 Heimann discloses in Figure 1 wherein following receipt of a clock switching signal (SELECT) the clock switching signal input is inhibited from receiving further signals until the processor clock control device outputs the second clock signal (CLK1), see column 3, lines 7-29. The same applies to claim 16.

In reference to claim 9, Heimann discloses in column 5, lines 1-5 that the circuit may comprise a further clock signal input.

Allowable Subject Matter

7. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 3-4 and 13-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: Claims 3-4 and 13-14 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 9 wherein the device further comprises a further clock switching signal input operable to receive a further switching signal (LAUNCH) in combination with the rest of the limitations of the base claims and any intervening claims. Claim 8 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 5 wherein the device comprises a plurality of set/reset flip flops (A-H) in combination with the rest of the limitations of the base claims and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 571-272-1741. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and on alternate Fridays from 7:00 AM to 3:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2816

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 5, 2005



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